



Courts and Tribunals Judiciary

10U80320324

Rex -v- Kieran USHER

Sentencing Remarks

1. Kieran Usher, you are 32 years old and fall to be sentenced for a single offence of Riot, having pleaded guilty to that charge at the Pre-Trial Preparation Hearing on 13th September 2024. Sentence was adjourned to today, to allow for the preparation of a pre-sentence report and for your medical records to be obtained.
2. I begin by repeating the general sentencing remarks issued by The Recorder of Newcastle when dealing with defendants convicted of public order offences committed on the same occasion as your offending at earlier hearings.
3. On the afternoon and evening of Friday 2nd of August 2024, you were present at what was a planned event in Sunderland and - mirroring what had occurred in other cities and towns over the course of the previous few days – you, together with many others, brought shame upon the City of Sunderland.
4. For no justifiable reason whatsoever, you and others gathered in the City centre and participated in an orgy of mindless destruction, violence and disorder. The mayhem was widespread. It moved from area to area. It involved serious acts of violence towards the person and property. It was both persistent and sustained. It involved large groups of people.
5. The statement by the Chief Constable of Northumbria Police the Court has just heard, details the appalling impact wreaked by the disorder. Police officers were subjected to serious and sustained levels of violence, as well as abuse. They were pelted with missiles. Police officers were injured. Police officers will undoubtedly have suffered psychological harm, as will their families waiting anxiously at home and watching the carnage unfold on television and social media.
6. A police hub was set on fire. Seven vehicles were vandalised, including when lone officers were patrolling in them. The business premises of hardworking and decent members of the community were attacked and damaged - premises were looted - the cost of making good the damage put at many thousands of pounds, if not hundreds of thousands of pounds. The policing costs incurred as a result of the events of that day are likely to be considerably higher and have been estimated by the Chief Constable at around £1 Million.
7. Right thinking members of the community in which you live were left shocked, distressed and in fear. As has been said before by the Courts, it is an unavoidable feature of mass disorder that each individual act, whatever might be its character taken on its own, inflames and encourages others to behave in similar fashion. That is why the court will have regard to the overall picture. Those participating in mass disorder

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must expect severe sentences, intended not only to punish but also to deter others from copying their example.

8. I turn now to your individual offending. You were at the forefront of a large crowd in Keel Square, that had formed from several groups that gathered there. From the outset you were drinking & using your phone to film what unfolded. You pulled a mask up across the lower half of your face before the disorder escalated. What you did next shamed the Union Flag you had draped yourself in, because, as the Police line formed, you were at the forefront of the crowd, standing forward of others, beckoning them on and forward, encouraging the violence that erupted. As missiles were thrown, you continued to film before picking up a piece of masonry yourself and launching it forcefully at the Police officers. You then moved through the front of the crowd, encouraging others to move forward. As missiles continued to be thrown, some by you, you returned to the very front of the crowd and, in advance of most of them, threw a further missile at almost point blank range.
9. You were arrested and interviewed on 15th August 2024. To your credit, you admitted your verbal abuse and missile throwing immediately.
10. In determining the appropriate sentence I have had regard to Sentencing Guidelines in respect of Riot, as well as the overarching Guidelines with respect to guilty pleas & sentencing offenders with mental disorders and neurological impairments.
11. As I have already outlined, your own actions have to be seen in the context of the wider disorder. In terms of the level of harm the incident has many if not all of the features of Harm in Category 1: there was serious physical injury; serious disruption and severe detrimental impact upon the community; there was substantial costs to a number of businesses; there were substantial costs incurred to the public purse; there were direct attacks on the police and the incident resulted in extensive damage to property.
12. In terms of your culpability, I determine that you held a leading role in the violence as it started: encouraging and filming others, as well as throwing your own missiles at the very front of the crowd, in close proximity to the police line. I cannot say your behaviour escalated the violence. But it certainly sought to do so, to prolong it and increase the missile throwing that had already started.
13. Your culpability is aggravated by your attempt to disguise your identity by the wearing of a mask and your intoxication. It is also modestly aggravated by your previous conviction for the possession of a bladed article in 2017.
14. In mitigation I had the benefit of a pre-sentence report that had been prepared with commendable speed by the Probation Service. I accept what Mrs Allinson-Howells outlined to me as references throughout your medical records to mild learning difficulties since your attendance at a special school. There are also long-standing mental issues that led to serious self-harm and alcohol dependence. But you had more recently been able to overcome them, hold down good employment that has been lost because of your behaviour on that day. There has been an effect on your settled relationship.
15. I accept that you were not involved in any planning of organised violence and the previous convictions you do have, do not relate to actual violence or public disorder. I accept that there is no evidence that any injury was caused directly by you. You may have attended the gathering with the intention of peaceful protest. But, like your friend, you should have left when it deteriorated as it did. It may have not been planned by you. But this is how disorder escalates; here partly by being encouraged by your actions. You have at least demonstrated some real shame and remorse, not least by

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your indication of the guilty plea you entered at the earliest hearing at the Magistrates, allowing the Court to give you the maximum credit possible.

16. However, for such a leading role participating in the violence that day, balancing the aggravating and mitigating features in your case, I have concluded that, had you had a trial, the sentence would have been 6 years and 6 months imprisonment. Allowing for the timing of your indication and plea of guilty, that will be reduced to 4 years and 4 months imprisonment.
17. As you may know, you will serve up to half of that sentence in custody, the remainder will be suspended pending your good behaviour on your release and your compliance with licence supervision conditions. If you commit any further offences or breach your release conditions, you may be recalled to serve the balance of the sentence.
18. Finally, I impose the Statutory Surcharge and make a Magistrates' Collection Order in respect of it.

HHJ T J Gittins

27th September 2024

The Crown Court

Newcastle upon Tyne